

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-469-C - ORDER NO. 2009-864
DECEMBER 18, 2009

IN RE: Petition of Hargray, Incorporated for a State)	ORDER REVERSING
Waiver to Grant Assignment of Their)	NUMBERING
Request to the North American Numbering)	DETERMINATION
Plan Administrator (NANPA) for Additional)	
Numbering Resources in the Beaufort Rate)	
Center)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Petition of Hargray, Inc. ("Hargray" or the "Company") for Review of the North American Numbering Plan Administration's and/or the Pooling Administrator's (collectively "NANPA/PA") central office code numbering resources decision to deny the Company's request for a full NXX assignment in the Beaufort Rate Center. According to Hargray, it submitted this request to NANPA/PA on October 29, 2009. The Company states it cannot meet Beaufort County Government's need to streamline their numbering resources for the benefit the County's residents.

Hargray argues a single, common NXX will be easily identifiable as a county service providing tax payers, employees, and residents with a more efficient system for contacting any of the numerous county agencies. It states this change will correct an antiquated numbering plan utilized by the county government in past decades and will allow the Beaufort County Council to honor a commitment to provide all constituents

with an easier method to seek and receive services. Hargray adds that the establishment of a new NXX for the Beaufort County Government will allow the return of numerous numbering assignments, placing several thousand numbers back in the inventory of these providers for subsequent assignment to future customers, which will assist with number conservation issues.

NANPA/PA's refusal stems from the Federal Communications Commission's ("FCC") "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must exhaust their numbering inventory within six months of the application and meet a rate center utilization threshold of 75 percent in order to receive additional numbering resources. However, the record reveals that the Beaufort Rate Center is using 17 percent of its numbering resources with no anticipation of exhausting the remaining numbering inventory for Beaufort in the next 6 months.

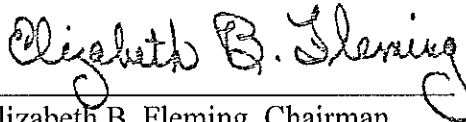
Although Hargray fails to meet NANPA/PA's requirements, the FCC maintains a policy that "under no circumstances should customers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 000-429 at ¶ 61. To this end, the FCC allows carriers to challenge a NANPA/PA decision at the appropriate state regulatory commission. FCC 01-362 at ¶¶ 61-66; Central Office Code (NXX) Assignment Guidelines § 13.0. States may grant relief "if a carrier demonstrates that it has received a request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362 at ¶ 64.

We find that the South Carolina Public Service Commission, as the regulator of the rates and service of telecommunications companies under the authority of S.C. Code Ann. § 58-9-210 et seq., has the authority under both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines to review a decision by NANPA/PA denying a request for numbering resources. We further find that Hargray has demonstrated receipt of a customer request for numbering resources in the Beaufort Rate Center that it cannot meet with its current inventory. It is our opinion that these additional numbering resources are necessary for Hargray to provide its customer with the required telecommunications service.


Therefore, we hold that NANPA/PA is directed to approve Hargray's request for a full NXX assignment in the Beaufort Rate Center. These particular facts indicate that that the Beaufort County Government will be able to better organize their numbering resources, while several thousand numbers will be placed back into the pool, which therefore observes NANPA/PA's policy of efficiently using numbering resources.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)